

Response to December 3, 2004 Office Action
Application No. 09/712,364
Attorney's Docket No. 93-0473-G
Page 4

REMARKS

In the Office Action under reply, the Examiner has maintained the rejection of claims under 35 U.S.C. §103(a) as obvious in view of PCT Publication WO 90/12579, hereinafter "Lange."

With the above amendments, claims 12 and 17 have been amended. Thus, claims 12-17 remain pending in the application.

The Examiner's rejection is addressed, in part, by the above-amendments and is otherwise traversed by the arguments presented below.

THE AMENDMENTS TO THE CLAIMS:

Claims 12 and 17 have been amended to specify that the essentially non-absorbable very high molecular weight sulfated cellulose contains less than about 0.98 wt. percent of sulfated cellulose having a molecular weight less than 75,000 Daltons. Support for this amendment can be found in Example 10.

No new matter has been added to the application by way of these claim amendments.

REJECTION OF CLAIMS 1-24 UNDER 35 U.S.C. 103(A)

The Examiner has maintained the rejection of claims 12-17 under 35 U.S.C. §103(a) as obvious in view of Lange. As discussed in the previous response, the reference is cited as teaching the administration of sulfated polysaccharides as inhibitors of human cholesterol esterase to lower serum cholesterol and the co-administration of sulfated polysaccharides and other agents having cholesterol lowering activity.

Response to Letter 3, 2004 Office Action
Application No. 09/712,364
Attorney's Docket No. 93-0473-G
Page 5

In the Office Action under reply, the Examiner has acknowledged the patentability of the methods claimed in the parent application, i.e., U.S. Patent No. 6,632,801, but continued to reject the pending claims on the basis that the current claims allow for five times the amount of sulfated polysaccharides having a molecular weight of less than 75,000 Daltons and that the methods disclosed in Lange could be viewed as falling within this broader range.

As the presently pending claims have been amended to recite the same inclusion levels for the sulfated polysaccharides having a molecular weight of less than 75,000 as the parent application, i.e., less than 0.98 wt. percent, Applicant's submit that the present claims are novel and non-obvious over Lange. Reconsideration and withdrawal of the rejection is in order and is respectfully requested.

Response to Examiner's 3, 2004 Office Action
Application No. 09/712,364
Attorney's Docket No. 93-0473-G
Page 6

CONCLUSION

For the foregoing reasons, Applicant submits that the claims are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

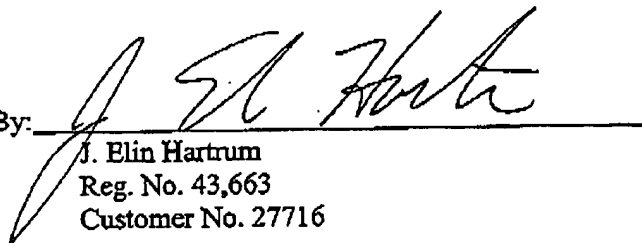
Should the Examiner have any questions, he is invited to contact the undersigned attorney at (650) 384-8755.

Respectfully submitted,

Date:

2/24/05

By:


J. Elin Hartum
Reg. No. 43,663
Customer No. 27716

CV Therapeutics, Inc.
3172 Porter Drive
Palo Alto, CA 94304
Tel: (650) 384-8755
Fax: (650) 475-0359

S:\LEGAL\CVT\Patent\Docs\01-0161\Response to 3-25-04 OA.doc